

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:12-cv-24318-KMM**

Wi-LAN USA, Inc. et al v. Apple Inc.
Assigned to: Judge K. Michael Moore
Referred to: Magistrate Judge Edwin G. Torres
Cause: 15:1126 Patent Infringement

Date Filed: 12/06/2012
Date Terminated: 04/02/2013
Jury Demand: Defendant
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

Wi-LAN USA, Inc.

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Date Filed	#	Docket Text
12/06/2012	¶ 1	COMPLAINT against Apple Inc.. Filing fee \$ 350.00 receipt number 113C-5288551, filed by Wi-LAN USA, Inc., Wi-LAN, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summon(s), # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Patmore, Samuel) (Entered: 12/06/2012)
12/06/2012	¶ 2	Judge Assignment to Judge Marcia G. Cooke (tpl) (Entered: 12/06/2012)
12/06/2012	¶ 3	FORM AO 120 SENT TO DIRECTOR OF U.S. PATENT AND TRADEMARK (tpl) (Main Document 3 replaced on 12/6/2012) (tpl). (Entered: 12/06/2012)
12/06/2012	¶ 4	NOTICE of Filing Proposed Summons(es) by Wi-LAN USA, Inc., Wi-LAN, INC. re <u>1</u> Complaint filed by Wi-LAN USA, Inc., Wi-LAN, INC. (Patmore, Samuel) (Entered: 12/06/2012)

12/06/2012	<u>1</u> 5	AMENDED Summons Issued as to Apple Inc.. (cqs) (Entered: 12/07/2012)
12/18/2012	<u>1</u> 6	Order Transferring Case Pursuant to Administrative Order 2011-53. This matter is hereby reassigned to the calendar of United States District Judge Donald M. Middlebrooks for all further proceedings, Judge Marcia G. Cooke no longer assigned to case. Signed by Judge Marcia G. Cooke on 12/18/2012. (tpe) (Entered: 12/18/2012)
01/03/2013	<u>1</u> 7	Agreed MOTION for Extension of Time to File Response/Reply as to <u>1</u> Complaint by Wi-LAN USA, Inc., Wi-LAN, INC.. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Patmore, Samuel) (Entered: 01/03/2013)
01/11/2013	<u>1</u> 8	ORDER OF RECUSAL. Judge Donald M. Middlebrooks recused. Case reassigned to Judge K. Michael Moore for all further proceedings in the court-designated pool for patent cases. Signed by Judge Donald M. Middlebrooks on 1/11/2013. (jmd) (Entered: 01/14/2013)
01/16/2013	<u>1</u> 9	<i>Defendant, Apple Inc.</i> 's ANSWER and Affirmative Defenses to Complaint with Jury Demand , COUNTERCLAIM against All Plaintiffs by Apple Inc..(Fernandez, Lazaro) (Entered: 01/16/2013)
01/16/2013	<u>1</u> 10	Defendant's MOTION to Change Venue to US District for the Southern District of California by Apple Inc.. Responses due by 2/4/2013 (Fernandez, Lazaro) (Entered: 01/16/2013)
01/16/2013	<u>1</u> 11	NOTICE of Filing Declaration Of Mark Buckley In Support of by Apple Inc. re <u>10</u> Defendant's MOTION to Change Venue to US District for the Southern District of California (Attachments: # <u>1</u> Affidavit Declaration of Buckley)(Fernandez, Lazaro)Text Modified on 1/17/2013 (cqs). (Entered: 01/16/2013)
01/16/2013	<u>1</u> 12	NOTICE Of filing Declaration Of Lazaro Fernandez Jr. in Support of by Apple Inc. re <u>10</u> Defendant's MOTION to Change Venue to US District for the Southern District of California (Attachments: # <u>1</u> Affidavit Declaration of Fernandez)(Fernandez, Lazaro)Text Modified on 1/17/2013 (cqs). (Entered: 01/16/2013)
01/16/2013	<u>1</u> 13	Defendant's MOTION to Stay by Apple Inc.. Responses due by 2/4/2013 (Fernandez, Lazaro) (Entered: 01/16/2013)
01/16/2013	<u>1</u> 14	Corporate Disclosure Statement by Apple Inc. (Fernandez, Lazaro) (Entered: 01/16/2013)
01/17/2013	<u>1</u> 15	PAPERLESS ORDER. THIS CAUSE came before the Court upon Defendant's Unopposed Motion for Extension of Time <u>7</u> . Defendant's Motion <u>7</u> seeks an extension of time to file a response to Plaintiffs' Complaint <u>1</u> . Defendant's Motion <u>7</u> is mooted by Defendant's Answer <u>9</u> . UPON CONSIDERATION of the Motion <u>7</u> , the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that Defendant's Motion <u>7</u> is DENIED AS MOOT. Signed by Judge K. Michael Moore on 1/17/2013. (bce) (Entered: 01/17/2013)
01/18/2013	<u>1</u> 16	PAPERLESS PRETRIAL ORDER. THIS ORDER has been entered upon the filing of the complaint. Plaintiffs' counsel is hereby ORDERED to forward to all defendants, upon receipt of a responsive pleading, a copy of this order. It is further ORDERED that S.D. Fla. L.R. 16.1 shall apply to this case and the parties shall hold a scheduling conference no later than twenty (20) days from the date of this Order. Within ten (10) days of the scheduling conference, counsel shall file a joint scheduling report. Failure of counsel to file a joint scheduling report within the deadlines set forth above may result in dismissal, default, and the imposition of other sanctions including attorney's fees and costs. The parties should note that the time period for filing a joint scheduling report is not tolled by the filing of any other pleading, such as an amended complaint or Rule 12 motion. The scheduling conference may be held via telephone. At the conference, the parties shall comply with the following agenda that the Court adopts from S.D. Fla. L.R. 16.1: (1) Documents (S.D. Fla. L.R. 16.1.B.1 and 2) – The parties shall determine the procedure for

exchanging a copy of or a description by category and location of all documents and other evidence that is reasonably available and that a party expects to offer or may offer if the need arises. Fed. R. Civ. P. 26(a)(1)(B). (a) Documents include computations of the nature and extent of any category of damages claimed by the disclosing party unless the computations are privileged or otherwise protected from disclosure. Fed. R. Civ. P. 26(a)(1)(C). (b) Documents include insurance agreements which may be at issue with the satisfaction of the judgment. Fed. R. Civ. P. 26(a)(1)(D). (2) List of Witnesses – The parties shall exchange the name, address and telephone number of each individual known to have knowledge of the facts supporting the material allegations of the pleading filed by the party. Fed. R. Civ. P. 26(a)(1)(A). The parties have a continuing obligation to disclose this information. (3) Discussions and Deadlines (S.D. Fla. L.R. 16.1.B.2) – The parties shall discuss the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case. Failure to comply with this Order or to exchange the information listed above may result in sanctions and / or the exclusion of documents or witnesses at the time of trial. S.D. Fla. L.R. 16.1.M. Telephonic appearances are not permitted for any purpose. Upon reaching a settlement in this matter the parties are instructed to notify the Court by telephone and to file a Notice of Settlement within twenty-four (24) hours. Signed by Judge K. Michael Moore on 1/18/2013. (rg1) (Entered: 01/18/2013)

01/18/2013	<u>17</u>	PAPERLESS ORDER REFERRING PRETRIAL DISCOVERY MATTERS TO MAGISTRATE JUDGE EDWIN G. TORRES. PURSUANT to 28 U.S.C. § 636 and the Magistrate Rules of the Local Rules of the Southern District of Florida, the above captioned Cause is referred to United States Magistrate Judge Edwin G. Torres to take all necessary and proper action as required by law with respect to any and all pretrial discovery matters. Any motion affecting deadlines set by the Court's Scheduling Order is excluded from this referral, unless specifically referred by separate Order. Signed by Judge K. Michael Moore on 1/18/2013. (rg1) (Entered: 01/18/2013)
01/18/2013	<u>18</u>	Corporate Disclosure Statement by Wi-LAN USA, Inc., Wi-LAN, INC. identifying Corporate Parent Wi-Lan Technologies Inc. for Wi-LAN USA, Inc. (Patmore, Samuel) (Entered: 01/18/2013)
01/18/2013	<u>19</u>	MOTION of Ashlee Lin to Appear Pro Hac Vice, Consent to Designation and Request to Electronically Receive Notices of Electronic Filing. Filing Fee \$ 75.00. Receipt # 52222. (ksa) (Entered: 01/22/2013)
01/18/2013	<u>20</u>	MOTION of Mark Scarsi to Appear Pro Hac Vice, Consent to Designation and Request to Electronically Receive Notices of Electronic Filing. Filing Fee \$ 75.00. Receipt # 52222. (ksa) (Entered: 01/22/2013)
01/18/2013	<u>21</u>	MOTION of Jennifer Miremadi to Appear Pro Hac Vice, Consent to Designation and Request to Electronically Receive Notices of Electronic Filing. Filing Fee \$ 75.00. Receipt # 52222. (ksa) (Entered: 01/22/2013)
01/18/2013	<u>25</u>	MOTION of Miguel Ruiz to Appear Pro Hac Vice, Consent to Designation and Request to Electronically Receive Notices of Electronic Filing. Filing Fee \$ 75.00. Receipt # 52222. (ksa) (Entered: 01/23/2013)
01/23/2013	<u>22</u>	PAPERLESS ORDER. THIS CAUSE came before the Court upon Defendant Apple, Inc.'s Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filings <u>19</u> . UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is ORDERED AND ADJUDGED that the Motion <u>19</u> is GRANTED. Ashlee Lin may appear Pro Hac Vice in this matter. The Clerk of the Court shall provide electronic notification of all electronic filings to ashlee.lin@milbank.com. Signed by Judge K. Michael Moore on 1/23/2013. (bce) (Entered: 01/23/2013)
01/23/2013	<u>23</u>	PAPERLESS ORDER. THIS CAUSE came before the Court upon Defendant Apple, Inc.'s

Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filings 20 . UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is ORDERED AND ADJUDGED that the Motion 20 is GRANTED. Mark Scarsi may appear Pro Hac Vice in this matter. The Clerk of the Court shall provide electronic notification of all electronic filings to mscarsi@milbank.com. Signed by Judge K. Michael Moore on 1/23/2013. (bce) (Entered: 01/23/2013)

01/23/2013	<u>24</u>	PAPERLESS ORDER. THIS CAUSE came before the Court upon Defendant Apple, Inc.'s Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filings <u>21</u> . UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is ORDERED AND ADJUDGED that the Motion <u>21</u> is GRANTED. Jennifer Miremadi may appear Pro Hac Vice in this matter. The Clerk of the Court shall provide electronic notification of all electronic filings to jmiremadi@milbank.com. Signed by Judge K. Michael Moore on 1/23/2013. (bce) (Entered: 01/23/2013)
01/24/2013	<u>26</u>	PAPERLESS ORDER. THIS CAUSE came before the Court upon Defendant Apple, Inc.'s Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filings <u>25</u> . UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is ORDERED AND ADJUDGED that the Motion <u>25</u> is GRANTED. Miguel Ruiz may appear Pro Hac Vice in this matter. The Clerk of the Court shall provide electronic notification of all electronic filings to mruiz@milbank.com. Signed by Judge K. Michael Moore on 1/24/2013. (bce) (Entered: 01/24/2013)
01/24/2013	<u>27</u>	Notice of Pendency of Other Action by Wi-LAN USA, Inc., Wi-LAN, INC. (Patmore, Samuel) (Entered: 01/24/2013)
01/28/2013	<u>28</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for David B. Weaver. Filing Fee \$ 75.00. Receipt # 52517. (ksa) (Entered: 01/29/2013)
01/28/2013	<u>29</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Efren Garcia. Filing Fee \$ 75.00. Receipt # 52518. (ksa) (Entered: 01/29/2013)
01/30/2013	<u>30</u>	PAPERLESS ORDER. THIS CAUSE came before the Court upon Plaintiffs' Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filings <u>28</u> . UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is ORDERED AND ADJUDGED that the Motion <u>28</u> is GRANTED. David B. Weaver may appear Pro Hac Vice in this matter. The Clerk of the Court shall provide electronic notification of all electronic filings to dweaver@velaw.com. Signed by Judge K. Michael Moore on 1/30/2013. (bce) (Entered: 01/30/2013)
01/30/2013	<u>31</u>	PAPERLESS ORDER. THIS CAUSE came before the Court upon Plaintiffs' Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filings <u>29</u> . UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is ORDERED AND ADJUDGED that the Motion <u>29</u> is GRANTED. Efren Garcia may appear Pro Hac Vice in this matter. The Clerk of the Court shall provide electronic notification of all electronic filings to egarcia@velaw.com. Signed by Judge K. Michael Moore on 1/30/2013. (bce) (Entered: 01/30/2013)
02/04/2013	<u>32</u>	RESPONSE in Opposition re <u>10</u> Defendant's MOTION to Change Venue to US District for the

Southern District of California filed by Wi-LAN USA, Inc., Wi-LAN, INC.. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G)(Patmore, Samuel) (Entered: 02/04/2013)

02/04/2013	<u>33</u>	RESPONSE in Opposition re <u>13</u> Defendant's MOTION to Stay filed by Wi-LAN USA, Inc., Wi-LAN, INC.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Patmore, Samuel) (Entered: 02/04/2013)
02/06/2013	<u>34</u>	First AMENDED COMPLAINT against Apple Inc., filed by Wi-LAN USA, Inc., Wi-LAN, INC.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Patmore, Samuel) (Entered: 02/06/2013)
02/11/2013	<u>35</u>	RESPONSE/REPLY to <u>9</u> Answer to Complaint, Counterclaim by Wi-LAN USA, Inc., Wi-LAN, INC.. (Patmore, Samuel) (Entered: 02/11/2013)
02/12/2013	<u>36</u>	PAPERLESS ORDER. THIS CAUSE came before the Court upon a sua sponte review of the record. On January 16, 2013, Defendant filed a Motion to Change Venue <u>10</u> and Motion to Stay <u>13</u> based upon Plaintiffs' Complaint <u>1</u> . On February 6, 2013, Plaintiffs filed a First Amended Complaint <u>34</u> , which is the operative pleading in this matter. Accordingly, the Motion to Change Venue <u>10</u> and Motion to Stay <u>13</u> are mooted by the First Amended Complaint <u>34</u> . UPON CONSIDERATION of the Motions, the First Amended Complaint, and the pertinent portions of the record, it is hereby ORDERED AND ADJUDGED that the Motion to Change Venue <u>10</u> and Motion to Stay <u>13</u> are DENIED AS MOOT. Defendant has leave to renew its motions. Signed by Judge K. Michael Moore on 2/12/2013. (bce) (Entered: 02/12/2013)
02/19/2013	<u>37</u>	JOINT SCHEDULING REPORT – Rule 26(f) and Discovery Report by Wi-LAN USA, Inc., Wi-LAN, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Patmore, Samuel) Text Modified on 2/19/2013 (cqs). (Entered: 02/19/2013)
02/20/2013	<u>38</u>	Apple's ANSWER and Affirmative Defenses to Amended Complaint with Jury Demand , COUNTERCLAIM against Wi-LAN USA, Inc., Wi-LAN, INC. by Apple Inc..(Fernandez, Lazaro) (Entered: 02/20/2013)
02/20/2013	<u>39</u>	Renewed MOTION to Change Venue by Apple Inc.. Responses due by 3/11/2013 (Fernandez, Lazaro) (Entered: 02/20/2013)
02/20/2013	<u>40</u>	NOTICE by Apple Inc. re <u>39</u> Renewed MOTION to Change Venue <i>Filing Declaration of Lazaro Fernandez</i> (Attachments: # <u>1</u> Affidavit Declaration of Lazaro Fernandez)(Fernandez, Lazaro) (Entered: 02/20/2013)
02/20/2013	<u>41</u>	NOTICE by Apple Inc. re <u>39</u> Renewed MOTION to Change Venue <i>Declaration of Balasubramanian In Support</i> (Fernandez, Lazaro) (Entered: 02/20/2013)
02/20/2013	<u>42</u>	NOTICE by Apple Inc. re <u>39</u> Renewed MOTION to Change Venue <i>Declaration of Sebeni in Support</i> (Fernandez, Lazaro) (Entered: 02/20/2013)
02/20/2013	<u>43</u>	Renewed MOTION to Stay re <u>39</u> Renewed MOTION to Change Venue by Apple Inc.. Responses due by 3/11/2013 (Fernandez, Lazaro) (Entered: 02/20/2013)
02/22/2013	<u>44</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Seth Lindner. Filing Fee \$ 75.00. Receipt # 54136. (ksa) (Entered: 02/25/2013)
02/25/2013	<u>45</u>	PAPERLESS ORDER. THIS CAUSE came before the Court upon Plaintiffs' Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filings <u>44</u> . UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is ORDERED AND ADJUDGED that the Motion <u>44</u> is GRANTED. Seth Lindner, Esq. may appear Pro Hac Vice in this matter. The Clerk of the Court shall provide electronic notification of all electronic filings to

slindner@velaw.com. Signed by Judge K. Michael Moore on 2/25/2013. (bce) (Entered: 02/25/2013)

02/27/2013	<u>46</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Andrea M. Houston. Filing Fee \$ 75.00. Receipt # 54448. (ksa) (Entered: 02/27/2013)
02/28/2013	<u>47</u>	PAPERLESS ORDER. THIS CAUSE came before the Court upon Plaintiffs' Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filings <u>46</u> . UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is ORDERED AND ADJUDGED that the Motion <u>46</u> is GRANTED. Andrea M. Houston, Esq. may appear Pro Hac Vice in this matter. The Clerk of the Court shall provide electronic notification of all electronic filings to ahouston@velaw.com. Signed by Judge K. Michael Moore on 2/28/2013. (bce) (Entered: 02/28/2013)
03/06/2013	<u>48</u>	<i>Plaintiffs' Reply and</i> ANSWER to Counterclaim by Wi-LAN USA, Inc., Wi-LAN, INC..(Patmore, Samuel) (Entered: 03/06/2013)
03/11/2013	<u>49</u>	RESPONSE in Opposition re <u>39</u> Renewed MOTION to Change Venue filed by Wi-LAN USA, Inc., Wi-LAN, INC.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit 1 to Patmore Decl., # <u>6</u> Exhibit 2 to Patmore Decl., # <u>7</u> Exhibit 3 to Patmore Decl., # <u>8</u> Exhibit E, # <u>9</u> Exhibit F, # <u>10</u> Exhibit G)(Patmore, Samuel) (Entered: 03/11/2013)
03/11/2013	<u>50</u>	RESPONSE in Opposition re <u>43</u> Renewed MOTION to Stay re <u>39</u> Renewed MOTION to Change Venue filed by Wi-LAN USA, Inc., Wi-LAN, INC.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit 1 to Patmore Decl., # <u>3</u> Exhibit 2 to Patmore Decl., # <u>4</u> Exhibit 3 to Patmore Decl.)(Patmore, Samuel) (Entered: 03/11/2013)
03/21/2013	<u>51</u>	REPLY to Response to Motion re <u>43</u> Renewed MOTION to Stay re <u>39</u> Renewed MOTION to Change Venue filed by Apple Inc.. (Fernandez, Lazaro) (Entered: 03/21/2013)
03/21/2013	<u>52</u>	NOTICE Of Filing Supplement Declaration Of Lazaro Fernandez Jr. by Apple Inc. re <u>40</u> Notice (Other), <u>43</u> Renewed MOTION to Stay re <u>39</u> Renewed MOTION to Change Venue , <u>39</u> Renewed MOTION to Change Venue (Attachments: # <u>1</u> Affidavit Supplemental Declaration, # <u>2</u> Exhibit Exhibit A, # <u>3</u> Exhibit Exhibit B, # <u>4</u> Exhibit Exhibit C, # <u>5</u> Exhibit Exhibit D, # <u>6</u> Exhibit Exhibit E, # <u>7</u> Exhibit Exhibit F, # <u>8</u> Exhibit Exhibit G)(Fernandez, Lazaro) Text Modified on 3/22/2013 (cqs). (Entered: 03/21/2013)
03/21/2013	<u>53</u>	REPLY to Response to Motion re <u>39</u> Renewed MOTION to Change Venue filed by Apple Inc.. (Fernandez, Lazaro) (Entered: 03/21/2013)
04/02/2013	<u>54</u>	ORDER GRANTING <u>39</u> Defendant's Motion to Transfer Venue. Signed by Judge K. Michael Moore on 4/2/2013. (rg1) (Entered: 04/02/2013)